

PATENT

Appl. No. 09/432,881
Amdt. dated [insert date]
Reply to Office Action of November 6, 2003

REMARKS/ARGUMENTS

The Office Action dated November 6, 2003 advised that the claims were allowable insofar as they were directed to the elected species sodium docusate. The Examiner has offered the option of narrowing the claims to this species or reopening prosecution to examine other members of the claimed compositions.

Applicants appreciate the opportunity of examining an expanded class of compositions containing other ingredients that have been found, in certain amounts, to be fed mode inducing agents. As discussed with the examiner on December 19, Applicants are amending claim 1 to reduce the number of fed mode inducing agents. In addition, Applicants submit herewith a set of claims, nos. 105 - 151, directed to sustained release compositions containing all of the fed mode inducing agents of claim 1, with the exception of glycine.

These amendments are based on a review of art cited in the corresponding PCT application, and previously submitted herewith in the Information Disclosure Statement dated May 30, 2002. The fed mode inducing agents claimed herein are not novel molecules but are known substances of types used or disclosed for use in pharmaceutical compositions for other purposes such as surfactants or sweetening agents. In an occasional reference a pharmaceutical composition is shown that incidentally contains a claimed fed mode inducing agent in an amount within the range disclosed in this Application as effective for inducing the fed mode, though the reference does not disclose incorporation of the compound in question for this purpose. For example, Rhone-Poulenc, EP 715,846, discloses pharmaceutical compositions that contain xylitol, one of the sugar alcohols originally claimed in claim 1. The xylitol is included for its usual purpose in pharmaceutical formulations, and is not disclosed as inducing the fed mode. However the amount of xylitol disclosed in that reference falls within the effective fed mode inducing range disclosed herein.

Claim 1 has therefore been amended so as to no longer include sugar alcohols. However, this same reference does not disclose sustained-release compositions. Accordingly, sugar alcohols are still included in new claims 105-151, that are directed to such compositions.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200, extension 4057.

Respectfully submitted,


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Attachments